

Remarks/Arguments

Claims 1, 7, 14, 15, 17 and 18 have been amended.

The Examiner has objected to applicant's Title as not being descriptive. Applicant has amended the Title as above set forth and believes the amended Title has obviated the Examiner's objection.

The Examiner has rejected applicant's claims 1-19 under 35 U.S.C. §103(a) as being unpatentable over the Fellegara, et al. (U.S. 6,441,854) patent in view of the Suzuki (U.S. 6,359,649) patent. With respect to applicant's claims, as amended, the Examiner's rejection is respectfully traversed.

Applicant's independent claims 1, 7, 14, 15, 17 and 18 have been amended. More particularly, applicant's independent claim 1 recites an image pickup apparatus in which a photo-taking start instruction operation member gives an instruction for starting a photo-taking operation and a display device displays a photo-taken image obtained by the photo-taking operation in response to the photo-taking operation. Claim 1 has been further amended to recite a decision device which decides whether displaying of the photo-taken image displayed by the display device in response to the photo-taking operation is to be finished or not by a user's request after an operation of said photo-taking start instruction operation member is canceled. Applicant's independent method claim 14 and independent program product claim 17 have been similarly amended.

Applicant's independent claim 7 recites an image pickup apparatus having a display device which displays a photo-taken image obtained by a photo-taking operation in response to the photo-taking operation. A decision device decides whether displaying of the photo-taken image displayed by the display device in response to the photo-taking operation is to be

finished or not by a user's request and a processing device which, before a state where displaying of the photo-taken image is finished by the decision device, applies a predetermined processing operation to the photo-taken image. Applicant's amended independent method claim 15 and computer program product 18 recite similar features.

Applicant's independent claim 11 recites an image pickup apparatus wherein a display device displays a photo-taken image obtained by a photo-taking operation in response to the photo-taking operation, the display device keeping displaying of the photo-taken image. Independent claim 11 further recites a processing device which, in a state where displaying of the photo-taken image is kept by the display device, applies a predetermined processing operation to the photo-taken image the displaying of which is kept. Applicant's amended independent method claim 16 and computer program product 19 recite similar features.

Such constructions are not taught or suggested by the cited art of record. More particularly, the Examiner has argued with respect to the Fellegara, et al. and Suzuki patents as follows:

"Fellegara et al. discloses an image apparatus, comprising: a photo-taking start instruction operation member (24) which gives an instruction for starting a photo-taking operation; and a display device (36) which displays a photo-taking image obtained by the photo-taking operation in response to the photo-taking operation; and a decision device (col. 13, lines 18-45).

"... Suzuki discloses in Fig. 6 an image pickup apparatus, comprising: a photo-taking start instruction operation member (SW1) which gives an instruction for starting a photo-taking operation; a display device (19) which displays a photo taken image; and a decision device which decides whether displaying of the photo-taken image displayed by the display device in response to the photo-taking operation is to be kept even after an operation of the photo-taking start instruction operation member is canceled (col. 9, line 60 - col. 10, line 2).

"Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Fellegara et al. with Suzuki in order to provide an image pickup apparatus that makes it possible to realize a so-called

pre- or post-confirmation display that allows a user to confirm the state of a still image to be recorded."

Looking at the Fellegara, et al patent and, in particular, at the passages cited by the Examiner, the patent teaches that "after the capture of an image . . . the review switch 37 can be activated by the camera operator to display the last captured image on the main screen display unit 36 as a review image." (see, column 13, lines 24-28, of the Fellegara, et al. patent). Thus, the display device 36 displays an image in response to the camera operator operating the review switch 37 after the image is captured.

The display device, therefore, does not display the image in response to the photo-taking operation. Nor is there any keeping of such image, nor any deciding whether displaying of the photo-taken image displayed in response to the photo-taking operation is to be finished or not by a user's request after an operation of a photo-taking start instruction operation member is canceled. Finally, there is no processing which, before a state where displaying of the photo-taken image is finished or in a state where the displaying of the photo-taken image is being kept, applies a predetermined processing operation to the photo-taken image.

Applicant's independent claims 1, 7, 11, 14-19, and their respective dependent claims, all of which recite one more of these features thus patentably distinguish over the Fellegara, et al. patent.

Looking now at the Suzuki patent, this patent teaches that if a mode for pre-confirmation has been selected through a mode selecting dial 36 (see, column 9, lines 21-24, step S201, of the Suzuki patent), then "the mode computer 41 displays the image stored in the field memory 47 at the input timing of the signal indicative of the first stroke of the shutter.

button 35, in the electronic viewfinder unit 18 for a predetermined time." (see, column 9, line 64 through column 10, line 2, of the Suzuki patent). In the Suzuki patent, therefore, a user sets the mode selection switch for pre-confirmation, then upon the user moving the shutter button to the first stroke and based on the pre-confirmation setting of the selection switch, the image stored in the field memory at the time of the first stroke is displayed.

The Suzuki patent thus does not teach or suggest displaying a photo-taken image in response to a photo-taking operation, rather the displaying of the image is in response to the condition of the mode setting switch. Moreover, if the mode setting switch is set to pre-confirmation, the image is displayed for a set time, and there is no deciding whether the photo-taken image being displayed is to be finished or not by a user's request. Additionally, there is no processing which, before a state where displaying of the photo-taken image is finished or in a state where the displaying of the photo-taken image is being kept, applies a predetermined processing operation to the photo-taken image.

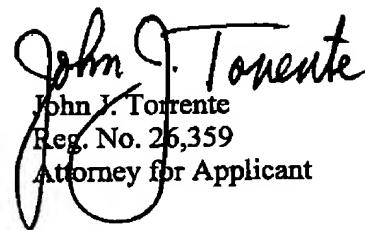
Accordingly, the Suzuki patent has similar failings in its teachings as the Fellegara, et al. patent with respect to applicant's claimed invention. The combined teachings of the Fellegara, et al. and Suzuki patents thus also fail to teach or suggest the invention of applicant's independent claims 1, 7, 11, 14-19, and their respective dependent claims.

In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

Dated: May 25, 2004

Robin, Blecker & Daley
330 Madison Avenue
New York, NY 10017
(212) 682-9640

Respectfully submitted,


John J. Torrente
Reg. No. 26,359
Attorney for Applicant